

Notice of Allowability

Application No.

09/607,913

Examiner

James H. Zurita

Applicant(s)

CUE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to request of 28 December 2006.
2. ☒ The allowed claim(s) is/are 1-30,32-34,36-38 and 40-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

In response to applicant's pre-brief conference request of 28 December 2006, Claims 1-30, 32-34, 36-38 and 40-44 are allowed after an updated search.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The terms "...completing purchase transactions..." in the preamble, and "...completing the sale of said order selections..." when interpreted in light of applicant's specifications, provide that the recipient purchase the order selections in the stored order data. In applicant's words:

The claims are directed to a method and system in which a user can go online to an electronic commerce site and select an order consisting of one or more items for purchase. The purchase of these items is not completed at the time of selection. Rather, a web page describing the items to be purchased, as well as other purchase information, is generated, and an email with the address of that web page is sent to the ultimate purchaser. In an example described in the application, a student can go online and select a computer system that he or she desires. The email can then be sent to the student's parents as the ultimate purchaser.

Thus, completion of the transaction takes place upon payment by the recipient.

An updated search was performed.

The closest **US prior art** of record is Dodd, US 6,633,849. Dodd discloses forwarding a gift order to subsequent recipients, and thereby completing a sales transaction when the gift is ultimately accepted. However, Dodd does not disclose that the recipient issues a request to **purchase** the order selections. Dodd discloses that once the recipient views the information in the web page of Figure 2A, the recipient is "able to accept the selected gift, exchange it for a replacement giftexchange it for an

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electronic gift certificateor forward the selected gift to another recipient." (Column 10, lines 23-28). However, Dodd does not state that the recipient issues a request to purchase the selected gift.

The closest **non-US prior** art of record is Magid, PERSONAL TECHNOLOGY; Big Mac on Campus? Or a PC?; [Home Edition], LAWRENCE J. MAGID. Los Angeles Times. Los Angeles, Calif.: Aug 25, 1997, downloaded from the Internet on 29 April 2007, 3 pages. Magid discloses that companies such as Apple, the assignee of the present invention, provides deals with specific universities, and students can order machines such as those that prevail at their schools or departments, and special hardware and software that might be needed. However, Magid does not specifically disclose that purchase transactions are completed when a recipient (e.g., a parent) issues a request to ***purchase*** the order selections.

The closest ***non-US prior art*** of record is Whitaker, WO 01/71578A2, published on 27 September 2001. Whitaker discloses facilitating electronic commerce between a customer and a remote supplier in an Internet environment, where ordering or billing data originating from the remote supplier is transferred to a local Internet site. However, Whitaker does not disclose that purchase transactions are started by a first user and completed when a recipient (e.g., a parent) issues a request to ***purchase*** the order selections.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
27 April 2007

James Zurita
Primary Examiner